App. F. IX-4

1926-27

File No. 39-26

Previous References (Geol)

Serial Nos. 1-4

Later References

Geol 30-27 (1-8)

" 30-27-9

preserve

(17)

General and Revenue Secretariat.

Serial Nos. Four

Part B for Dec 26.

SUBJECT

Recovery of land Revenue on assessed survey Nos. included in the mining lease.

D 4629 dt 21.12.26

to

Rev. Commr in Mysore

States that in the circumstances pointed out no revenue need be recovered from the lessee

Subbaiya

G. R. S. [illegible]-1]

9267

GENERAL AND REVENUE SECRETARIAT.

Ger

NOTES.

File No. 39-26

FILE HEADING.

Recovery of land revenue on assessed Survey Nos. included in the mining leases

From

The Rev Court

No. C/905 of 25-b. Dated 18/8/26 Received

Diary No. 1041	Enclos. ~~Spare Copies~~.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests orders in the matter of recovery of land revenue on assessed S. Nos. included in the mining leases

NOTES AND ORDERS.

Rev: Court requests orders of Govt in the matter of recovery of land revenue on assessed S Nos included in the mining lease

2) In the present case S. No. 157 = included in M.L. No. 111 granted in favour

NOTES—First Sheet.

WD 1881—GPB—30 000—1-8-21

Serial No.

of our. A. Ahamed Ali for gold measuring 2 ac. + 11 gunlas, with an assessment of Re. 1-12-0, and this assessment does not seem to have been recovered at all

3) In the matter of recovery of this amount there is a difference of opinion between the Dy: Conr & the Dir of Rev. The Dy: Conr bases his ~~arg~~ argument on the strength of G.O. dated 3.1.1896 which has not undergone any change, and says that the lessee is liable to pay the assessment; but the Dir. is of the opposite opinion as there is no express provision to that effect in the mining lease granted. Kind attention is invited to cl. 38 of the mining lease issued in favour of ~~the~~ Mr. Ahamed Ali & Gul: clause 38 of the ~~m-l.~~ form (Page 39) of the Mineral license rules now in force

4) The Rev: Conr. in supporting the views of the Dy. Conr. requests final orders of Govt

7.9.26

5) Please speak to me with the Rev Manual and the Mining Rules.

24/9/26.

NOTE—Contn. Sheet

WD 01225—GPB—37,500—1-9-26

General and Revenue Secretariat

File No 39 of 1926.

Serial No.

4 9

6) The vernacular file of records below shows how the question has arisen. S. No. 157. of Ooreguem village included in mining lease No. 111. is an unoccupied assessed Govt land. The mining lease has been granted on 16th Jan^{y} 1906. under the Rules then in force for the grant of licenses & leases. (Please see a copy of the Rules put up. of 2nd March 1904). The Dep^{t} Comm^{r} thinks (& the R. Comm^{r} is inclined to agree with him) that, under Para 98 ii). Pp. 71: of the New Revenue Manual, Part I. the mining lessee is to be considered the registered occupant of the land and held liable to the regular payment of the land revenue due, from the date of the lease. The Dir^{r} of Geology points to condn 38 of the lease (which regulates the mining relationship between Govt and the lessee), which prohibits absolutely, the cultivation of any of the lands comprised in the mining block, or the using of such lands for any purposes other than mining and is of opinion, that the lessee is not liable to pay land revenue in cases of the kind under reference. Orders of Govt are solicited in the matter.

7) There seems to be some misapprehension about this question. Under the G.O. of 3rd Jan^{y} 1894, (given in Para 98. of the new Revenue Manual), it is not every land that is included in a mining block on which the lessee has to pay land revenue. It is only when the mining lessee is given the right of occupation in the case of unoccupied Govt lands (assessed or unassessed) that he becomes liable to the payment

NOTE. Contn. Sheet

of land revenue in respect of those lands. It would seem that the land revenue assessment is fixed & levied on the assumption that the land is used or is going to be used for purposes of cultivation: and when, by a specific condition of the lease, the party is prevented absolutely from cultivating any portion of the lands included in the mining block, the justification for the levy of land revenue assessment becomes even less. This view is further strengthened by the fact that under the mining Rules in force, there is provision to allow the mining lessee to cultivate some portion of the land, with express permission of the Govt (lessors) subject to the condition that the lessee pays land revenue on the portion he so desires to cultivate. Condition 38 of the mining lease form (in force) to which I refer, is reproduced below for perusal.

[38. And will not cultivate any of the lands comprised within the mining block, without previously obtaining the consent of the lessors and paying the land revenue and other charges on any portion of the block which he desires to cultivate, or in any way, use the said lands, save for the purposes of the rights, licenses & liberties hereby granted.].

Subject to orders — (The Rev. Branch may also be consulted)

25/10/26.

P.T.O

Serial No.

8) That the lessee cannot be held liable to pay the land revenue assessment of unoccupied Govt lands included in the mining block, till he acquires the right of occupation, will be further clear from the following. In the case of occupied lands in private holding, the lessee is not at all liable to pay the kandayam, until he acquires the Surface rights, by purchase or some other method of conveyance. (Para 98. i) New Rev. Manual). If the occupant defaults and the revenue dues cannot be recovered by proceeding against him, it would seem the arrears have to be written off & that proceedings cannot be taken against the mining lessee in the last resort. In the second place, Kind reference is invited to the last sentence on Pg. 71. of the Rev manual it clearly states that "until the mining lessee acquires the Surface rights (from the registered occupant, or inamdar, or from Govt, in the case of an absolute relinquishment), he does not become responsible for the land revenue on such land", such land being land coming under Class b) ie occupied Govt lands and minor inam lands. If an occupied Govt land included in a mining block, is absolutely relinquished, what is the position ? It then falls under class a) — unoccupied

NOTE.—Contn. Sheet

WD 01228—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat | Genl File No 39 of 1926.

Serial No.

Govt land—; & until the mining lessee acquires the surface rights from Govt (i.e. in auction, or on danakhast), he does not become liable to pay the land revenue assessment on such land.

9) The Rev. Branch may perhaps be consulted whether they concur in this view.

10) Subd for orders—

Sec'y D) 26/10/26.

11) What was the rule analogous to Rule 38 in the mining lease in force in 1894. Put up a copy of the old mining lease in force at that date

26/10/26

12) The mining lease form ~~is~~ printed with rules for the grant of mining leases in Mysore in 1888 does not provide a rule analogous to Rule 38 referred to, but it finds a place in the form enclosed to Notn. of 1897 (Vide cl. 30 in page 7. It can therefore be inferred that it must have been issued in 1894 or so. This fact has to be ascertained only on a reference to the Dir. of Geol. who was Ex-officio Secy. to Govt. the 1915 rules alone is the custodian

p. p. 30-34 of the printed compilation put up. R

* see 46 M-dy 13-10-27

* R

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat — Revl File No 34 of 1926

Serial No.

of all mining leases.

13) If agreed, a draft will be sent.

14) Favour

MG.

5-11-26

15) Sent for perusal.

Sec'y D) WP 10/11/26.

16) The terms under which mining leases were granted under Notification No 107 R. S.G. 1887 and Notification 46 M dated 13.10.97 which replaced the earlier Notification both provide for the payment of assessment on assessed land included in the mining block vides pages 30 and 52 of the printed Collection but the ~~records are dead~~ The condition imposed ~~in~~ under the later Notification is practically ~~identical~~ identical with the Rule in the Revenue manual referred to by the D.C. and the R.E. This condition is absent in the rules issued under Notification No 555-S dated 2.3.1904 which superseded the Notification dated 13.10.97. ~~A~~ An annual rent of Rs one rupee per acre takes the place of the land revenue assessment. It will see therefore that the annual rent takes the place of the ~~original~~ land revenue assessment which the lessee was required to pay under the previous Notifications Please request the Director to report the circumstances under which the annual rent was imposed & to forward any papers available connected with the imposition This question is important & has been delayed unnecessarily. The file should be treated as urgent & reply requested by return of post

WP 17/11 15.11.26

NOTE- Contn.Sheet

3379 ~~1044~~ 8

WD.01225—GPB—37,500—1-9-26

General and Revenue Secretariat | Ecol File No 39 of 1926.

Serial No.

1) Draft sub
18/11 18) Appd Issue
WD
19/11/26

2) To, Dir. of Ecology
no 3520 dy. 20/11/26
Dy copy & xx I of reports to submit report the circumstances in which the annual rents was imposed, with the file records of any

3 from the Dir of Ecol
no 460-3 dy 2-12-26.
states that there is no file of Corr re. grant of the lease in question & that the levy of rent is one of the provisions in the lease form prescribed under Rules of 1904
~~Corr regarding same papers~~
19) the dir says that there is no ~~subsisting~~ Corr re to the grant of the particular lease, ~~but what~~ was wanted was the papers, if any, about the introduction of the section (re. ~~in~~ levy of rent) in the ~~Rules~~ of 1904
20) In the present case the dir of Ecol & the Rev Comr are of different opinions.
21) for orders
7/12/26. 22) Subd for orders in the prems
refs
Sec'l D)
8/12

GEN. & REV. SECRETARIAT
28 NOV 1926
DEVELOPMENT BRANCH.

NOTE Contn.Sheet

WD 01229—GPB—37,500—1-9-26
App. F. III—2]

General and Revenue Secretariat

File No 39 of 1926

Serial No.

23) It is clear from the Director's letter that the levy of the annual rent of one rupee per acre was in lieu of the original obligation imposed on lessees to pay land assessment on lands included in their block. ~~on Block~~ ~~is my~~ Kind reference is invited to my note dated 15.11.26. This will be painted out & the Re if approved.

OFFICE OF THE SECOND MEMBER OF COUNCIL. 10 DEC. 1926 No. 3957

2nd member)

24) Yes 9.12.26.
9.12.26
10/12

25) Draft sub. for comm. 15.12.26 Sec'y D) 15/12

16/12

26) revised & appd.
17.12.26
18/12

27) Issue 18/12/26.

4) Fo,
Rev. Comm
No. 4624 d. 21.12.26.
States that in the circumstances pointed out, no land revenue need be realised for the lease
No. 4625 - Copy to Dir. Agri.

NOTE. Contn. Sheet

(~~ii~~). Liability to pay kandayam on occupied lands included in a mining lease

(ii) Lands included in a block leased by the Govt. for mining purposes are either

(a) unoccupied Govt. lands (assessed or unassessed)

(b) occupied Govt. lands & minor mam lands

The occupation of lands of class (a) is granted to the lessee from the date of the lease; he is the registered occupant in respect of such lands and is liable to the regular payment of the land revenue due from the date of the lease.

As regards lands of class (b), the registered occupant or tenant continues in full enjoyment of surface rights notwithstanding the grant of mining rights to the mining lessee and his obligation to pay the assessment or Govt-rent also continues in full force until the land is relinquished by him either absolutely or in favour of the specified ~~agricultural~~

until the mining lessee acquires the surface rights from the registered occupant or inamdar or from Govt. in the case of an absolute relinquishment) he does not become responsible for the land revenue on such land

(G.O.No. 10259-56/M.6-90 dt 3-1-1894.)

09399

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE

No. 905/25-26
one file

Bangalore, 12th August *1926*
18th

FROM

B. Ramaswamaiya Esq., B.A., B.L.
REVENUE COMMISSIONER IN MYSORE.

GEN. & REV. SECTT. BR. 18. AUG. 1926 G. D. SECTION.

To

THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE
REVENUE DEPARTMENT.

Gol. 39-26-1.

In forwarding herewith a file of correspondence relating to S.No 157 of Oorgaum village included in mining lease No. 111, received with letter No. A.6-260/26-27 dated 23rd July 1926 from the Deputy Commissioner, Kolar District, I have the honor to state that the survey number in question is an assessed number measuring 2 acres 11 guntas and bearing an assessment of Rs. 1-12-0. The survey number which is included in the mining lease is reported to be unoccupied and not being cultivated. The Deputy Commissioner thinks that the lessee is liable to the payment of Land Revenue due from the date of the lease in accordance with G.O. No.10259-66/M.6-90 dated 3rd January 1894 (vide 98 ii of the Revenue Manual, new edition, Vol. I). The Director of Geology who was consulted by the Deputy Commissioner in the matter is of opinion that the lessee is not liable to pay land revenue, inasmuch as the lessee pays, according to the terms of the lease, a rent of Re 1/- per acre per annum and is precluded from cultivating any portion of the area covered by his lease and that as there is no provision in the lease itself making the lessee liable for payment of land revenue on assessed survey numbers included in the lease. The Deputy Commissioner who was called upon to state what the general practice has been in respect of recovery of assessment on assessed Government lands included in the mining leases states that no information is available on the subject.

2. There is no doubt that the arguments advanced by the Director of Geology have considerable force. But, the Government Order relied upon by the Deputy Commissioner is still in force and is of an older date than the rules of March 1904 and the lease relied upon by the Director. I am therefore of opinion that the payment of Land Revenue on survey numbers included in a lease is an implied condition of the lease. I solicit orders of Government in the matter.

3. A copy of the lease and a copy of rules for the grant of Exploring and Prospecting licenses and mining leases in the State issued in March 1904, as also copies of letter No C.C.1732/23-24 dated 15-9-1925 and A.6-260/26-27 dated 23rd July 1926 from the Deputy Commissioner, herewith accompany for reference.

I have the honor to be

Sir,

Your most obedient servant

Revenue Commissioner.

L.B.R.

[PP. F. VI. Gl.]

SUBJECT.....

.....

.....

Diary No. of letter replied to 1621

General and Revenue Secretariat
( )
the 192

Date of issue 20.11.26

Signed by Mr V. Venaya

List of enclosures.....

Copied by.....

Examined by.....

Section Genl

File No. 39-26

Serial No 2.

No. D. 35-20 & 28/11/26

To

The Dir of Geol

Sir

In forwarding herewith copy of letter No. C. 905/25-26 & 18.8.26 from the Rev: Comm: in Mysore soliciting orders of Govt. in the matter of the payment of Land Revenue on survey nos. included in the mining lease (no. 111) for Gold in favour of Mr A Ahmed Sh. I am directed to request Govt to report the circumstances ~~matter~~ in which the annual rent was imposed

ove.

WD 01265—GPB—31,000—24-12-25

the file of Correspondence
if any, connected with the
explosion of the rent ref'd. to
above may also be forwarded
~~Very early~~ immediately for the information
of Govt.

Secretary

WP
19/11/20
Under-Secy

Sd

24870 M.G.D.12.1. 24688

No. 460-3

Dated, Bangalore, 2-12-26

3379

GEN. & REV. SECRETARIAT, 4 DEC. 1926 DEVELOPMENT BRANCH.

Gen. 39-26-3

From

B. JAYARAM, Esq., F.G.S.,
Director, Mysore Geological Department.

To

C. Ranganatha Rao Sahib, Esq., B.A., B.L.,
Secretary to the Government of His
Highness the Maharaja of Mysore,
Development Departments.

Sir,

In reply to your letter No.D.3520/Geol.39-26-2, dated the 20th ultimo, requesting to report the circumstances in which an annual rent was imposed in respect of Ahmed's Gold mining block in the Bowringpet Taluk granted to Mr. Ahmed Ali under lease No.111, I have the honour to state as follows:-

The lease was applied for and issued under the Rules of March 1904 for the grant of mineral concessions in the State. These Rules introduced the levy of an annual rent of Re. one per acre of the block in lieu of payment of land revenue assessment on the various kinds of lands included, which was in vogue prior to that. Under these circumstances the lessee is not liable to pay the revenue assessment of any land included within the block.

There is nothing particular in the file of correspondence relating to the grant of the lease in question which throws any light on the imposition of the rent on the mining block. The levy of the rent is one of the clauses in the lease itself which is in the form prescribed under the Rules of 1904.

I have the honour to be
Sir,
Your most obedient servant.

B. Jayaram
Director,
Mysore Geological Department.

Signed 2.12.26

M.R/1.

Sem: Please return it for renoing it back signed.

P.T.O

W.D. 3852 2/12/26

Ltr

Returned for favor of resubmission after signature

By Order

Illegible

2/12

For Secy to Govt
Dev. Deptt

APP. F. VI. Gl.]

SUBJECT.....

.....

.....

Section Genl

File No. 39-26

Serial No. 4.

No. D. 4620 dt 21/12/26

Encls one file

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 21.12.26

Signed by Dy V.V Chary

To

The Rev: Comr.

in Cuddapah

Sir

With reference to your letter no. C. 905/25-26 dt 18.8.26 requesting orders in the matter of recovery of land assessment on the Survey Nos included in Md A. Ahmed Alis Gold Mining block in the Bowruppet Taluk, under M.L. No. 111, I am directed to state that the levy of the annual rent of one rupee per acre was in lieu of the ~~the~~ original obligations

over

List of enclosures

Copied by..... imposed under Notification No 555-S dated 2.3.1904.

Examined by.....

WD 01265—GPB—31,000— 24-12-25

used on such leases
by land assessment
ended in their numb
ers, and as such no
d revenue need be
covered from the
see in question.
cords, and with Govt letter under reply
with reto. Shivdev

MP
15/12

Govt
17.12.26
Dev. Secy

and D. No. 21 of 26

Copy forwarded with
Enclosures to the Dir of Geol
Reference to his letter No. 460-3
2-26

By order

MP
15/12

Govt
Dev. Secy